



UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of : APR 20 2005
Andres Salazar :
Application No. 10/611,614 :
Filed: July 1, 2003 :
Title of Invention: :
METHOD FOR PREPARATION OF :
LARGE VOLUME BATCHES OF POLY- :
ICLC WITH INCREASED BIOLOGICAL :
POTENCY THERAPEUTIC, CLINICAL :
AND VETERINARY USES THEREOF :
:

OFFICE OF PETITIONS
ON PETITION

This is a decision on the Request to Withdraw Holding of Abandonment, filed March 28, 2005. The petition is properly treated under 37 CFR 1.181.

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed March 8, 2004. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on June 9, 2004. A Notice of Abandonment was mailed on September 24, 2004.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant avers that a timely reply was filed on September 4, 2004, and was received by this Office as evidenced by Applicant's return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, a Response to [the] Restriction Requirement; Certificate of Mailing; Petition for Extension of Time, and Authorization to Charge Deposit Account, in the above-identified application by this Office on September 9, 2004.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, a

Response to [the] Restriction Requirement; Certificate of Mailing; Petition for Extension of Time, and Authorization to Charge Deposit Account in the above-identified application by this Office on September 9, 2004.

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of the Response to Restriction Requirement, filed with the instant petition on March 28, 2005, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 15-0620, as requested in the instant petition.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

The application file is being referred to Technology Center Art Unit 1623 for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.


Derek L. Woods
Attorney
Office of Petitions